

REMARKS

In accordance with the foregoing, claims 5, 7-8, 12, 14 and 18 have been cancelled and claims 1, 9, 16 and 19 have been amended. Claims 1-2, 6, 9-10, 15-17 and 19-20 are pending and under consideration.

The rejection based on Tanaka is respectfully traversed. Independent claim 1 (used as an example) recites wherein the predetermined reference value is set based on the dynamic range and a movable range of the tracking actuator. These features were previously recited in claim 5.

The Examiner relies upon column 16, line 59 to column 17, line 6 of Tanaka. This portion refers to the tracking error being more than a predetermined value, for example 20%. However, this error is not related to a dynamic range.

Furthermore, claim 6 recites the predetermined reference value is set at a value approaching a limit of the dynamic range of the tracking actuator. According to the Examiner, erroneous continuation such that the lens is scratched is by definition the extreme limit. Applicants respectfully disagree. Preventing scratching does not necessarily imply the limit, because Tanaka could conceivably be taking a more conservative approach. Tanaka could be using a lower limit of error than the maximum possible limit.

Accordingly, withdrawal of the rejection is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

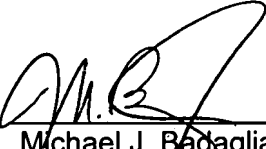
Serial No. 10/670,191

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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